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HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1645 OF 2007.

Gopal Bhanudas Kamble
Age: 32 years, Occu: Teacher,
Appasaheb Patil Vidyamandir,
A/p: Tisangi, Post: Sanake,
Tal: Pandharpur, Dist: Solapur. ..Petitioner.

Versus.

1.Sou. Kajal Gopal Kamble,
Age: 28 years, Occu: Housewife,
R/o: C/o: Nijappa Dada Kamble,
Sangarsh Housing Society,
Bldg. No. 3, Room No. 2,
Ground Floor, Ajantanagar,
Akurdi, Pune - 411 035.

2. State of Maharashtra. ..Respondents.

Mr. Surel B. Shah for the petitioner.
Mr. V. D. Raut for the respondent no.1.
Mr. A. S. Gadkari, APP for the State.

CORAM: S. B. MHASE &
SMT. V.K.TAHILRAMANI, JJ.
DATE: DECEMBER 12, 2007.

ORAL JUDGMENT (Per S.B.Mhase, J.)

1. Rule returnable forthwith. Heard both sides.

2. This is petition by the accused in RCC No. 157 of 2005 filed in the Court of JMFC, Jat, District-Sangli. He has been charge-sheeted under sections 498-A and 494 read with 34 of IPC. The said FIR was registered on the basis of the complaint lodged by the respondent no.1 who is wife of the petitioner. It was investigated by the police and accordingly the charge sheet has been filed and the case is numbered as

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stated above. It appears that the respondent no.1 is the resident of Akurdi, Pune, which is her parental place, therefore she has filed a private complaint bearing RCC No. 694 of 2006 in the Court of the JMFC, Pimpri-Chinchwad making the same allegations as were made in a criminal case filed at Jat bearing RCC No. 157 of 2005. Therefore, the petitioner has approached to this Court with a prayer that either to quash one of those two proceedings or amalgamate the proceedings and try them together. In short, in respect of the same offence committed on the same date and time two criminal proceedings have been initiated by the respondent no.1, namely, RCC No. 157 of 2005 at Jat and another by way of a private complaint at Pimpri-Chinchwad. Therefore, one case is pending before the JMFC, Jat and the other case is pending before the JMFC, Pimpri-Chinchwad. Under these circumstances we find it appropriate to amalgamate the cases together and to try them together. Admittedly, the alleged offence has taken place at Jat. Therefore, the Court at Jat is having the territorial jurisdiction in the matter. Even the witnesses are from that area. Therefore we find it appropriate to transfer RCC No. 694 of 2006 from the file of the JMFC, Pimpri - Chinchwad to the file of JMFC, Jat, so that it can be tried along with RCC No. 157 of 2005.

3. Learned counsel for the respondent No.1 submitted that the respondent no.1 is afraid of going to

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Jat and there is minor child with her. This is a dispute between the husband and wife. The husband appears to be a teacher and therefore the apprehension is not well-founded. Apart from that it will be open for the respondent no.1 to apply to the JMFC, Jat for appropriate protection in accordance with law whenever she visits Jat for recording evidence. We therefore pass the following order.

: O R D E R :

- (i) RCC No. 694 of 2006 pending before the JMFC, Pimpri - Chinchwad is hereby transferred to the Court of JMFC, Jat so as to try the same along with RCC No. 157 of 2005.
- (ii) JMFC, Jat is hereby directed to dispose of the cases as early as possible and preferably within a period of six months from the date of receipt of copy of this order.
- (iii) JMFC, Jat to provide appropriate protection to the respondent no.1, if desired and applied, more specifically at the time of her visit to Jat for recording of evidence.
- (iv) Petition is accordingly disposed of.

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(SMT. V.K.TAHILRAMANI, J.)

(S.B.MHASE, J.)